	Application No.	Applicant(s)
	10/764,962	ANDERSON ET AL.
Notice of Allowability	Examiner	Art Unit
	Richard Ridley	3651
The MAILING DATE of this communication apperature All claims being allowable, PROSECUTION ON THE MERITS IS herewith (or previously mailed), a Notice of Allowance (PTOL-85) NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT R of the Office or upon petition by the applicant. See 37 CFR 1.313	(OR REMAINS) CLOSED in or other appropriate commu IGHTS. This application is s	this application. If not included inication will be mailed in due course. <b>THIS</b>
1. This communication is responsive to <u>11-17-04</u> .		
2. The allowed claim(s) is/are 70-83.		
3. $\boxtimes$ The drawings filed on <u>26 January 2004</u> are accepted by th	e Examiner.	
<ul> <li>4. ☐ Acknowledgment is made of a claim for foreign priority una) ☐ All b) ☐ Some* c) ☐ None of the: <ol> <li>Certified copies of the priority documents have</li> <li>Certified copies of the priority documents have</li> <li>Copies of the certified copies of the priority do International Bureau (PCT Rule 17.2(a)).</li> </ol> </li> <li>* Certified copies not received:</li> </ul>	e been received. e been received in Applicatio	n No
Applicant has THREE MONTHS FROM THE "MAILING DATE" noted below. Failure to timely comply will result in ABANDONN THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.		a reply complying with the requirements
5. A SUBSTITUTE OATH OR DECLARATION must be subminformal PATENT APPLICATION (PTO-152) which give		
6. CORRECTED DRAWINGS ( as "replacement sheets") mus	st be submitted.	
(a) ☐ including changes required by the Notice of Draftspers	son's Patent Drawing Review	( PTO-948) attached
1) hereto or 2) to Paper No./Mail Date		
(b) including changes required by the attached Examiner' Paper No./Mail Date	s Amendment / Comment or	in the Office action of
Identifying indicia such as the application number (see 37 CFR 1 each sheet. Replacement sheet(s) should be labeled as such in t		
7. DEPOSIT OF and/or INFORMATION about the depo attached Examiner's comment regarding REQUIREMENT		
<ul> <li>Attachment(s)</li> <li>1.  Notice of References Cited (PTO-892)</li> <li>2.  Notice of Draftperson's Patent Drawing Review (PTO-948)</li> <li>3.  Information Disclosure Statements (PTO-1449 or PTO/SB/08 Paper No./Mail Date 7-19-04; 5-20-04</li> <li>4.  Examiner's Comment Regarding Requirement for Deposit of Biological Material</li> </ul>	6. ☐ Interview Su Paper No./ 7. ☑ Examiner's 8. ☑ Examiner's	formal Patent Application (PTO-152)  Jummary (PTO-413),  Mail Date  Amendment/Comment  Statement of Reasons for Allowance
	9. Other	

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### **DETAILED ACTION**

# Election/Restrictions

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:

I. Claims 70-83, drawn to a conveyor system, classified in class 700, subclass 228.

II. Claims 84-97, drawn to method for dynamically controlling article flow, classified in class 198, subclass 358.

The inventions are distinct, each from the other because of the following reasons:

2. Inventions II and I are related as process and apparatus for its practice. The inventions are distinct if it can be shown that either: (1) the process as claimed can be practiced by another materially different apparatus or by hand, or (2) the apparatus as claimed can be used to practice another and materially different process. (MPEP § 806.05(e)). In this case the apparatus as claimed can be used to practice another and materially different process, e.g., the process of propelling a conveying surface.

3. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

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4. During a telephone conversation with Fredrick S. Burkhart on 16 Dec 2004 a provisional election was made without traverse to prosecute the invention of Group I, claims 70-83.

Affirmation of this election must be made by applicant in replying to this Office action. Claims 84-97 are withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

5. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

# Allowable Subject Matter

- 6. Claims 70-83 are allowed over the prior art of record.
- 7. The following is an examiner's statement of reasons for allowance:

The claimed combination, wherein comprising a master controller that transmits a speed command based upon said route to said plurality of conveyor bed controllers over said network, wherein said conveyor bed controllers send said speed command to said associated motor controllers to operate said associated motorized roller at a speed based on said calculated route, is allowable over the prior art of record.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue

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fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

# **Examiner's Amendment / CLAIMS CANCELLED**

8. This application is in condition for allowance except for the presence of claims 84-97 which were non-elected without traverse. Accordingly, claims 84-97 been cancelled.

#### Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Richard Ridley whose telephone number is (703) 306-5910. The examiner can normally be reached on Mon-Thur 7:00 am - 5:15 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Ellis can be reached on (703) 308-1113. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Richard Ridley Primary Examiner Art Unit 3651

Richard Ridley
16 December 2004